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*Attorneys for Defendant: Otto Trucking LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto  
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**OTTO TRUCKING LLC'S STATEMENT  
OF NON-OPPOSITION TO THE COURT'S  
ORDER RE GROUND RULES FOR  
TESTIMONY BY ANTHONY  
LEVANDOWSKI AND JOINDER UBER'S  
RESPONSE**

Date: September 27, 2017  
Time: 8:00 a.m.  
Courtroom: 8  
Judge: Hon. William Alsup

Otto Trucking LLC has no objection to the Court's ground rules for the testimony of Anthony Levandowski (Dkt. 1535) so long as potential jury confusion is carefully managed. Otto Trucking believes that while the Court's procedure makes sense, Defendants' Proposed Jury Instruction No. 5 should be adopted. The instruction provided explains that any adverse inference based on Mr. Levandowski's assertion of his Fifth Amendment rights is drawn against him. This proposed instruction is consistent the Court's proposed ground rules and the direction provided at the July 26, 2017 hearing. *See* Dkt. 1535; 7/26/2017 Hr'g Tr. 98:8–99:13; 100:3-8.

Otto Trucking further joins and adopts the response of Uber Technologies, Inc. and Ottomotto LLC (Dkt. 1809) as if fully stated herein.

Dated: September 26, 2017

Respectfully submitted,

By: /s/ Neel Chatterjee

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